

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Minorities Welfare Department – Khazi Act, 1880 - Suspension of Sri Mohammed Najmuddin Hussain, Qazi Qila Mohammednagar, Bara Mahal, Golkonda Fort, Hyderabad – Orders – Issued.

MINORITIES WELFARE (WAKF-II) DEPARTMENT

G.O.Rt.N0. 248

Dated: 05-10-2011

Read the following:-

1. D.O.Lr.No.2916/Wakf.II/A1/2011-1, dt. 29-6-2011
2. From Sri Mohammed Najmuddin Hussain, Qazi Qila Mohammednagar, Bara Mahal, Golkonda Fort, Hyderabad
Lr. No.355/111/1432 Dt.29-6-2011
3. From the D.M.W.O., Hyd Lr.No.C/QAZI/RAFAI/2011, dt.6-7-2011
4. Govt, Memo.No.2916/Wakf.II/A1/2011-2, dt.16-7-2011
5. From Sri Mohammed Najmuddin Hussain, Qazi Qila Mohammednagar, Bara Mahal, Golkonda Fort, Hyderabad
Lr. No.1432/S/2590-1 Dt.3-8-2011
6. Govt, Memo.No.2916/Wakf.II/A1/2011-3, dt.10-8-2011
7. From Sri Mohammed Najmuddin Hussain, Qazi Qila Mohammednagar, Bara Mahal, Golkonda Fort, Hyderabad
Lr. No.2590-2/5/1432 Dt.3-9 -2011

Order:

It has come to the notice of the Government that one Ms.Nousheen Begum, who is stated to be 16 years old was married by a Sudanese student by name Mohammed Ansari helped by Khazi Shakeel Uddin alias Shakeel and his Assistant Syed Abdul Malik. Based on the complaint lodged by Ms.Nousheen Begum, a FIR No.66/2011 was filed in Police Station, Moghalpura and the alleged culprits including bridegroom, Khazis and others were arrested. Serious charges were made against them under Section 366, 366(A), 376, 354, 420, 109 and 498(A) of the IPC. The services of the above said Qazis as Qari-un-Nikah are availed of by the Naib Khazi Sri Syed Abdul Rahman of Khairtabad Circle, Hyderabad who is appointed as Naib Khazi by Sri Mohammed Najmuddin Hussain, Qazi Qila Mohammednagar, Bara Mahal, Golkonda Fort, Hyderabad.

2. The matter was referred to the District Minorities Welfare Officer, Hyderabad to enquire into the matter and submit his enquiry report vide D.O.Letter 1st read above. The District Minorities Welfare Officer, Hyderabad has submitted his enquiry report vide letter 3rd read above.

3. Based on the enquiry report of the District Minorities Welfare Officer, Hyderabad, Government have decided to take disciplinary action against Sri Mohammed Najmuddin Hussain, Qazi, Qila – Mohammednagar, Golkonda, Hyderabad and a Show Cause Notice was issued to him vide Govt., Memo 4th read above.

4. Qazi Mohammed Najmuddin Hussain has submitted his explanation vide letter 7th read above, wherein he has contended that no tenants of Islam have been breached in the above marriage and the persons viz., Syed Shakeeluddin Ahmed Alias Shakeel Ahmed and Syed Abdul Malik, who have performed the above marriage, were not appointed by him.

5. The Government after careful examination of the explanation hereby suspend Sri Mohammed Najmuddin Hussain, Qazi Qila Mohammednagar, Bara Mahal, Golkonda Fort, Hyderabad for a period of Six (6) months, (which means that the persons appointed by him as Naib Qazis will also cease to function as Naib Qazis) under Section 2 of the Khazi's Act, 1880 due to the following reasons:-

(p.t.o.,)

- i) The Kazi has spiritual and ethical obligations in addition to the legal obligations in performing marriages in the Muslim Community. He has obviously failed in following the ethical practices in performance of marriages of a minor child.
- ii) The Kazi has not expressed any remorse for the marriage of a minor child of 16 years age. Instead, it appears that a damage control mission was launched and efforts were made by vested interests, by instigating Ms. Nousheen Begum for filing a representation on 27-06-2011 before the DCP, South Zone, Hyderabad stating that the above case filed on 24-06-2011 is bogus.
- iii) The Khazi has denied that he has not appointed Syed Shakeeluddin Ahmed Alias Shakeel Ahmed and Syed Abdul Malik and no appointment letters (Taqarurnama). But, it is observed that he has suspended them for alleged irregularities vide his letter dated 29-06-2011 2nd read above. When he has not appointed them, he cannot obviously suspend them. This reference gives away the fact they were indeed appointed by Kazi Sri Mohammed Najmuddin Hussain.
- iv) Further, under Section 10 of the Prohibition of Child Marriage Act, 2006, whoever performs, conducts directs or abets any child marriage shall be punishable with rigorous imprisonment which may extend to two years and shall be liable to fine which may extend to one lakh rupees unless he proves that he had reasons to believe that the marriage was not a child marriage. In this case the girl child, appears to be 16 years old and below the marriageable age of 18 years as per the Statute. The Kazi, who performs marriage of girl child below the age of 18 years is liable for punishment under this Act.
- v) The Government Kazi shall be held responsible for the acts of his Naib Kazis by application of vicarious responsibility for the acts of his sub-ordinates.
- vi) The police case is still pending.
- vii) Under Section 2 of Kazis Act 1880, the State Government may, if it thinks fit, suspend or remove any Kazi appointed under this Section who is guilty of any misconduct in the execution of his office....

6. The District Minorities Welfare Officer, Hyderabad, the Chief Executive Officer A.P. State Wakf Board, Hyderabad and the District Collector, Hyderabad shall take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

Dr. MOHD. ALI RAFATH
SECRETARY TO GOVERNMENT

To
Sri Qazi Mohammed Najmuddin Hussain, Qila – Mohammednagar, Golkonda,
Hyderabad (Through D.M.W.O., Hyderabad)
The District Minorities Welfare Officer, Hyderabad,
The District Collector, Hyderabad,
The Chief Executive Officer, A.P. State Wakf Board, Hyderabad

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Copy to:

The Commissioner of Police, Hyderabad for information

The OSD to M (MW).

The P.S. to Secy to Government

SF/Sc.

// FORWARDED BY ORDER //

SECTION OFFICER